



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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### MINUTES SEPTEMBER 9, 2008

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The meeting was called to order by Chairman Ted Farah at 7:35PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Patrick Johnston, Richard P. Jowdy, David Manacek Robert Melillo, Larry Stramiello, Andrew Wetmore, Ted Farah and Alternates Jacqueline Perez-Ares and Thomas Spegnolo. Also present was Deputy Planning Director Sharon Calitro.

Absent was Victoria Hickey.

Mr. Melillo led the Commission in the Pledge of Allegiance.

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Chairman Farah announced that they would not be taking any action on the Perch LLC zone change petition as he has been unable to meet with Corporation Counsel due to the Siting Council hearing on the proposed cell tower.

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#### PUBLIC HEARING:

7:30 PM - Petition of MBD Realty LLC, 98 Federal Rd. (#K11069) for Change of Zone from IL-40 to CG-20.

Mr. Wetmore read the legal notice. Mr. Melillo read the Planning Dept. Staff Report and Chairman Farah read the Planning Commission recommendation which was negative.

Attorney Chris Donohue spoke in favor of this petition saying the staff report pretty much states everything. The cars currently parked there may not be in compliance but this would solve that problem. The Mercedes Benz franchise has been instructed to expand to a certain level and they plan to expand the building and clean up the existing site. This parcel does connect to the CG-20 zone at the front of the parcel. He said although the Plan of Conservation & Development says this should be an industrial use, it has been used commercially for many years. This is a minor reduction in the amount of industrial zoned property.

Chairman Farah asked if there was anyone to speak in opposition to this and there was no one.

Mr. Haddad said this is the opposite of what happened at the other end of the road by the intersection with Starr Rd. and asked if what is there is conforming. Mrs. Calitro responded saying they are storing cars there and parking lots used to be permitted in this zone before we changed the regulations last year. Mr. Johnston asked if this is an ambiguous request. Mrs. Calitro said we look at the criteria in the Zoning Regulations and the Plan of Conservation & Development, but in this case, the parcel is so small that there is little conflict with the requirements that are listed. Mr. Haddad pointed out that this property is currently located in between two CG-20 zoned parcels.

Mr. Melillo made a motion to close the public hearing. Mr. Johnston seconded the motion and it was passed unanimously. Mr. Jowdy made a motion to move this to number two under the Old Business on tonight's agenda. Mr. Melillo seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of Perch LLC, 116, 118 & 122 Coalpit Hill Rd. (#K17014, #K17013/1 & 2, & #K17012) for Change of Zone from RMF-10 to IL-40. Public hearing closed August 26, 2008 - decision must be made by October 29, 2008.

Chairman Farah announced that Mr. Manacek had listened to tape and is now eligible to vote on this petition. Also eligible are Mr. DiCaprio, Mr. Haddad, Mr. Johnston, Mr. Melillo, Mr. Stramiello, Mr. Wetmore, Chairman Farah, Ms. Hickey, Ms. Perez-Ares and Mr. Spegnolo. Chairman Farah reiterated that since he had not been able to meet with Corporation Counsel's office they would be tabling this until the next meeting. Mr. Melillo made a motion to table this matter. Mr. Johnston seconded the motion and it was passed unanimously.

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Petition of MBD Realty LLC, 98 Federal Rd. (#K11069) for Change of Zone from IL-40 to CG-20.

Mr. Jowdy made a motion to approve this for the following reasons:

- It is better suited to the CG-20 zone since it is located in between two other tracts zoned that way.

Mr. DiCaprio seconded the motion. Chairman Farah asked for discussion and/or comments. Mr. Johnston asked what the intent of this petition is and Mr. DiCaprio read from the staff report that it will be combined with the adjacent parcel and the parking use will be continued. Mr. Haddad said this is pre-existing non-conforming use now, so changing the zone will have little impact on the neighborhood. Mr. Melillo pointed out that rezoning this will make zoning continuous along Federal Rd. He added that although normally he would be reluctant to change a zone from industrial to commercial, but this really is an unusable

industrial lot. It really is consistent with commercial uses. Mr. Johnston said he just always thinks they should question how these decisions will benefit the community. Mrs. Calitro said they need to look at if it is a logical change being proposed. Mr. DiCaprio said the Plan of Conservation & Development is their guide but they also have to use common sense in their decisions. He added that in the past twenty years, he has never seen anyone use an industrial property for an industrial use. Mr. Melillo asked if it was necessary for them to reiterate that in order to continue the parking use, they will need to join these two parcels. Mrs. Calitro said before they submit the site plan for review, they will be required to merge the parcels.

Chairman Farah called the vote and the motion to approve was passed with eight AYES (Mr. DiCaprio, Mr. Jowdy, Mr. Haddad, Mr. Manacek, Mr. Melillo, Mr. Stramiello, Mr. Wetmore and Chairman Farah) and one NAY (Mr. Johnston). Mr. Jowdy said that although this Commission has always tried to keep as much IL-40 zoned land as possible, this is such a small parcel that any impact from this change will be negligible.

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NEW BUSINESS:

Petition of B & L Holdings LLC, 2 Glen Hill Rd, 33, 35, 37 & 39 Tamarack Ave. a/k/a Rd. (#I10045, #I10044, #I10046, #I10047 & #I10048) for Change of Zone from RA-20 & RMF-6 to CG-20. Public hearing scheduled for October 14, 2008.

Mr. Melillo made a motion to refer this to the Planning Commission for their recommendation. Mr. Johnston seconded the motion and it was passed unanimously.

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There was nothing under Correspondence or Other Matters. Under For Reference Only was listed a public hearing scheduled for October 14, 2008 and a note of the withdrawal of the Durant St. zone change petition.

At 8:15 PM, Mr. Jowdy made a motion to adjourn. Mr. Wetmore seconded the motion and it was passed unanimously.